**Six Charter Amendments, Ordinances, and Resolutions in California to Prohibit Local Governments from Entering into Contracts that Require Construction Contractors to Sign Project Labor Agreements with Construction Trade Unions**

***(As of September 10, 2010)***

1. **Oceanside – Charter Provision – Fair and Open Competition**

*Approved by 54% of Voters, June 8, 2010*

[Oceanside Charter §303](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S303FAOPCO)

1. **Chula Vista – Ordinance – Fair and Open Competition in Contracting**

*Approved by 56% of Voters, June 8, 2010*

[Chula Vista Municipal Code §02-59](http://www.codepublishing.com/CA/ChulaVista/html/ChulaVista02/ChulaVista0259.html#2.59)

1. **San Diego County – Ordinance – Prohibition on Use of Project Labor Agreements**

*Approved by Board of Supervisors 5-0 – March 2, 2010*

[San Diego County Administrative Code Article XXIII, §428](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sandiegoco_ca_mc)

1. **Orange County – Ordinance – Prohibition of Anti-Competitive or Discriminatory Requirements in Public Contracts**

*Approved by Board of Supervisors 5-0 – November 3, 2009*

[Orange County, California PLA Ban - Code of Ordinances §1-8-3](http://library.municode.com/HTML/11378/level3/TIT1GOAD_DIV8UNPUCOCOACAC_ART1GEPR.html#TIT1GOAD_DIV8UNPUCOCOACAC_ART1GEPR_S1-8-3PRANMPDIREPUCO)

1. **City of Fresno – Ordinance – Prohibition of Project Labor Agreements**

*Approved by City Council 4-3 – February 2, 2000*

[Fresno Municipal Code - §4-111](http://library.municode.com/HTML/14478/level3/CODE_C4_A1.html#CODE_C4_A1_s4-111)

1. **Placer County – Resolution – Amending the Placer County Purchasing Manual to Add a Provision Prohibiting Any Requirement for Project Labor Agreements on County Public Projects**

*Approved by Board of Supervisors 3-2 – August 24, 2010*

[Placer County - Resolution 2010-234](http://www.placer.ca.gov/upload/bos/cob/documents/sumarchv/100824A/bosd_100824_06a__p449_p452.pdf)

**Charter of the City of Oceanside**

[Article 3 - Fiscal Matters](javascript:void(0))

[Section 300. - Economic and Community Development.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S300ECCODE)

[Section 301. - Public Works Contracts.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S301PUWOCO)

[Section 302. - Prevailing Wage.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S302PRWA)

[Section 303. - Fair and Open Competition.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S303FAOPCO)

[Section 304. - Definition of Public Works.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S304DEPUWO)

[Section 305. - Voluntary Employee Political Contributions.](http://library.municode.com/HTML/14631/level2/PTICH_ART3FIMA.html#PTICH_ART3FIMA_S305VOEMPOCO)

[Section 303.](javascript:void(0)) - Fair and Open Competition.

The City shall not, in any contract for the construction, maintenance, repair, or improvement of public works, require that a contractor, subcontractor, material supplier, or carrier engaged in the construction, maintenance, repair or improvement of public works, execute or otherwise become party to any project labor agreement, collective bargaining agreement, prehire agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works contract. Nothing in this section shall be construed as prohibiting private parties from entering into individual collective bargaining relationships, or otherwise as regulating or interfering with activity protected by applicable law, including but not limited to the National Labor Relations Act.

**Chula Vista Municipal Code**

[**Chapter 2.59 – FAIR AND OPEN COMPETITION IN CONTRACTING**](http://www.codepublishing.com/CA/ChulaVista/html/ChulaVista02/ChulaVista0259.html#2.59)

Sections:

[2.59.010](http://www.codepublishing.com/CA/ChulaVista/Html/ChulaVista02/ChulaVista0259.html#2.59.010)    Purpose and intent.

[2.59.020](http://www.codepublishing.com/CA/ChulaVista/Html/ChulaVista02/ChulaVista0259.html#2.59.020)    Definitions.

[2.59.030](http://www.codepublishing.com/CA/ChulaVista/Html/ChulaVista02/ChulaVista0259.html#2.59.030)    Requirements for fair and open competition in contracting.

**2.59.010 Purpose and intent.**

The purpose and intent of this chapter is to establish criteria that will ensure fair and open competition for public works projects funded in whole or in part with public funds; to aid in lowering the cost of public works projects; and to ensure that all workers, both union and nonunion, have a fair and equal opportunity to work on public works projects. (Ord. 3160 § 2, 2010).

**2.59.020 Definitions.**

For purposes of this chapter, the following definitions shall apply:

“Act” shall mean the National Labor Relations Act, Title 29 USC Sections 151 through 169.

“City” shall mean and include both the City of Chula Vista and the Redevelopment Agency of the City of Chula Vista.

“Contracting party” shall mean and include an owner, developer, contractor, subcontractor or material supplier involved in a public works project.

“Labor organization” shall have the same meaning ascribed to it in Section 2 of the Act (29 USC Section 152).

“Public works project” shall mean and include all construction projects paid for, in whole or in part, by the funds of the City or the Redevelopment Agency, including but not limited to any building, road, street, park, playground, water system, irrigation system, sewer, storm water conveyance system, reclamation project, redevelopment project, or other public facility. (Ord. 3160 § 2, 2010).

**2.59.030 Requirements for fair and open competition in contracting.**

In contracting for the construction, maintenance, repair, improvement or replacement of public works projects:

A. The City shall not fund, in whole or in part, or enter into, any contract which contains a requirement that a contracting party:

1. Execute, comply with, or become a party to an agreement between a labor organization, on the one hand, and the City, the contracting party, or any third party on the other;

2. Become a signatory to a collective bargaining agreement;

3. Be required to make payments on behalf of employees to union benefit plans or other trust funds;

4. Require its employees to be represented by a labor organization; or

5. Encourage or discourage employees of a contracting party to have representation by a labor organization.

B. The City shall not impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by subsection (A) of this section.

C. Nothing in this section shall be construed as prohibiting private parties covered by this provision from entering into individual collective bargaining relationships, or otherwise as regulating or interfering with activity protected by applicable law, including but not limited to the Act.

D. Any person aggrieved or injured in any way by a violation of this section shall be entitled to injunctive relief in the Superior Court of the State of California, County of San Diego, including by way of an action filed pursuant to California Code of Civil Procedure Section 526a. (Ord. 3160 § 2, 2010).

*This page of the Chula Vista Municipal Code is current through Ordinance 3162, passed August 17, 2010.*

**San Diego County Code of Administrative Ordinances**

[Article XXIII – Department of Purchasing and Contracting](http://www.amlegal.com/nxt/gateway.dll/California/sanadmin/articlexxiiidepartmentofpurchasingandcon?f=templates$fn=document-frameset.htm$3.0)

**SEC. 428. PROHIBITION ON USE OF PROJECT LABOR AGREEMENTS.**

     (a)     For the purposes of this Section, the following definitions shall apply:

     (1)     "Contractor" shall mean and include a contractor, subcontractor, material supplier, carrier or other person or firm engaged in the completion of a construction project.

     (2)     "Construction project" shall mean and include any project for the construction, rehabilitation, alteration, conversion, extension, maintenance, repair, or improvement of any structures or real property.

     (3)     "Project labor agreement"  shall mean any pre-hire, collective bargaining or similar type of agreement entered into with one or more labor organizations, employees or employee representatives that establishes the terms and conditions of employment on a construction project.

     (b)     Except as otherwise required by State or federal law as a contracting or procurement obligation or as a condition of the receipt of State or federal funds, the County shall not require a contractor on a construction project to execute or otherwise become a party to a project labor agreement as a condition of bidding, negotiating, award or performance of a contract.

     (c)      Nothing in this Section shall be construed as prohibiting private parties that may perform work on County construction projects from entering into project labor agreements or engaging in activity protected by law.

*(Added by Ord. No. 10038 (N.S.), effective 4-1-10)*

**Orange County, California Code of Ordinances**

**[ARTICLE 1. - GENERAL PROVISIONS](javascript:void(0))**

[**Sec. 1-8-3**.](javascript:void(0)) - Prohibition of anti-competitive or discriminatory requirements in public contracts.

Except as otherwise required by state or federal law, in contracting for the construction, maintenance, repair, improvement or replacement of public works:

(a) The County shall not fund, in whole or in part, any contract containing a requirement that an owner, developer, contractor, subcontractor or material supplier [individually and collectively referred to for purposes of this section as the "contracting party"]:

(1) Shall execute, or become a party to, an agreement between organized labor, on the one hand, and the county or the contracting party on the other;

(2) Shall become a signatory to a collective bargaining agreement; or

(3) Shall require its employees to join a union, or pay dues or make contributions to a union or union benefit fund.

(b) The County shall not such impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by subsection (a) of this section.

(c) For purposes of this section, the term "public works" means: a building, road, street, park, playground, sewer, storm water, water system, irrigation system, reclamation project, redevelopment project, or other facility funded, owned, or to be owned or contracted for, by the County of Orange, the Orange County Flood Control District, the Orange County Housing Authority, the Orange County Development Agency, or any other governmental entity for which the Orange County Board of Supervisors acts as the governing body.

(d) Nothing in this section shall prohibit parties covered by the National Labor Relations Act from entering into agreements or engaging in activity protected by law.

(e) Any person aggrieved or injured in any way by a violation of this section shall be entitled to injunctive relief in the Superior Court of the State of California, County of Orange, including by way of an action filed pursuant to California Code of Civil Procedure section 526a.

*(Ord. No. 09-006, § 1, 11-3-09)*

**City of Fresno Municipal Code**

[**Chapter 4 - CITY PURCHASING, CONTRACTS AND SALES**](http://library.municode.com/HTML/14478/level2/MUCOFR_CH4CIPUCOSA.html)

[SEC. 4-111.](javascript:void(0)) - PROHIBITION OF PROJECT LABOR AGREEMENTS.

(a) The City shall not, in any contract for the construction, maintenance, repair, or improvement of public works, require that a contractor, subcontractor, or material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of public works, execute or otherwise become party to any project labor agreement, collective bargaining agreement, prehire agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works contract.

(b) For purposes of this section, the term "public works" means:

(1) A building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Fresno or the Redevelopment Agency of the City of Fresno, that is paid for in whole or in part with tax revenue paid by residents of the City of Fresno; or

(2) Any other construction service or nonconstruction service.

*(Added Ord. 2000-18, § 1, 3-12-00; Am. Ord. 2007-96, § 3, eff. 1-19-08)*

**Before the Board of Supervisors**

**County of Placer ~ State of California**

[**Resolution No: 2010-234**](http://www.placer.ca.gov/upload/bos/cob/documents/sumarchv/100824A/bosd_100824_06a__p449_p452.pdf)

In the matter of:

**A RESOLUTION AMENDING THE PLACER COUNTY PURCHASING POLICY MANUAL TO ADD A PROVISION PROHIBITING ANY REQUIRMENT FOR PROJECT LABOR AGREEMENTS ON COUNTY PUBLIC PROJECTS**

**WHEREAS**, the Board of Supervisors finds that, to promote competition in contracting, to reduce the risk of cost increases in public works projects in Placer County, and to protect the interests of the taxpayers of Placer County, it is in the public interest to prohibit the County from requiring persons or firms bidding on County public projects from having to comply with or negotiate project labor or pre-hire agreements, and

**WHEREAS**, the Board of Supervisors has adopted a County Purchasing Policy Manual which contains rules and regulation setting forth how contracting activities are to be conducted by the County, and

**WHEREAS**, the Board of Supervisors determines that it is appropriate to amend the Purchasing Policy Manual to include a policy prohibiting the use of project labor agreements by the County,

**NOW, THEREFORE, BE IT RESOLVED, by** the Board of Supervisors of the County of Placer that Section 1.2 of the Purchasing Policy Manual shall be amended to add subsection (j) thereto, which shall read as follows:

j) Except and unless as otherwise required by State or federal law as a contracting or procurement obligation or as a condition of the receipt of State or federal funds, the County shall not require a contractor on a County public project to execute or otherwise become a party to a project labor agreement as a condition of bidding, negotiating, award or performance of the public project.

Nothing in this subsection shall be construed as prohibiting private parties that may perform work on County public projects from voluntarily entering into project labor agreements or engaging in activity protected by law.

For the purposes of this subsection, a “project labor agreement” shall mean any pre-hire, collective bargaining or similar type agreement entered into with one or more labor organizations, employees, or employee representatives that establishes the terms and conditions of employment on a County public project.

**RESOLVED FURTHER,** by the Board of Supervisors of the County of Placer that this Resolution shall take effect from and after the date of its adoption.